

FILED  
HARRISBURG, PA

IN THE UNITED STATES DISTRICT COURT

AUG 11 2025

FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PER JH  
DEPUTY CLERK

AUDURY PETIE DAVIS and MARYANN BUTLER,

Plaintiffs,

v.

NEW AMERICAN FUNDING, et al.,

Defendants.

Case No. 1:25-cv-00690-PJC

# **EMERGENCY NOTICE AND REQUEST FOR IMMEDIATE TELEPHONIC CONFERENCE AND LIMITED MODIFICATION OF STAY FOR STATUS-QUO RELIEF**

Plaintiffs Audury Petie Davis and Maryann Butler (pro se) respectfully give notice that they have filed an Emergency Motion for Temporary Restraining Order and Order to Show Cause re Preliminary Injunction under Fed. R. Civ. P. 65 (the "Emergency Motion") and request a brief telephonic conference and a limited modification of the existing stay solely to allow narrowly tailored, status-quo relief that prevents imminent third-party harm without disturbing any issue on appeal.

## **Narrow request in light of the stay**

Plaintiffs ask the Court to modify the stay for the limited purpose of addressing the Emergency Motion's targeted relief: (i) a short 14-day restraint on Defendants' inducing, directing, facilitating, or threatening any third-party collection or lawsuit against Plaintiffs arising from the failed refinance; (ii) a 24-hour neutral clarification letter to American Remodeling (copy to Plaintiffs) stating the refinance did not close and should not be treated as funding for contractor collection pending further order; (iii) a 72-hour officer declaration attaching that letter and identifying the authorizer; and (iv) a single two-hour deposition, narrowly confined to topics for a

preliminary-injunction hearing. This is status-quo preservation only and does not reach the merits on appeal.

## **Immediate conference requested**

Because a third-party deadline culminates September 25, 2025, Plaintiffs respectfully request a 10-minute telephonic conference today or tomorrow, or at the Court's earliest convenience. Plaintiffs are available today, August 11, 2025, and August 12, 2025, and propose 10:00 a.m. Eastern or 3:00 p.m. Eastern, but will accommodate any time set by chambers.

## **Authority (brief)**

The Court may manage and, where appropriate, modify its own stay to balance equities and preserve the status quo. *Landis v. North American Co.*, 299 U.S. 248, 254 (1936). A notice of appeal divests jurisdiction only over the aspects of the case involved in the appeal, not over interim steps that preserve the Court's and the appellate court's authority. *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982). Limited status-quo measures that protect appellate jurisdiction are recognized. *FTC v. Dean Foods Co.*, 384 U.S. 597, 603–05 (1966).

## **FRAP 8 fallback**

If the Court concludes the stay or divestiture doctrine prevents action, Plaintiffs ask the Court to note on the record that Plaintiffs first sought relief here and that the Court would grant (or recommends) the limited status-quo relief but for the stay, so Plaintiffs may immediately seek an injunction pending appeal in the Third Circuit under Fed. R. App. P. 8(a)(2).

## **Local Rule 7.1 (Emergency Filing)**

Given the emergency posture and early hour, Plaintiffs respectfully request acceptance of this Notice without prior concurrence. Plaintiffs will seek concurrence today, August 11, 2025, at 9:10 a.m. Eastern by transmitting the status-quo request and asking for a same-day telephonic conference, and will promptly file a short Judicial Notice today confirming whether concurrence was obtained.

Dated: August 11, 2025

Respectfully submitted,

/s/ Audury Petie Davis, Pro Se

2041 Greenwood Street

Harrisburg, PA 17104

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/s/ Maryann Butler, Pro Se

1823 State Street

Harrisburg, PA 17103

## **VERIFICATION (28 U.S.C. § 1746)**

I, Audury Petie Davis, declare under penalty of perjury that the facts stated in this Emergency Notice and Request for Limited Modification of Stay including the filing of the Emergency Motion, the narrow relief sought, the proposed conference availability, and Plaintiffs' planned concurrence efforts are true and correct to the best of my knowledge, information, and belief.

Executed on August 11, 2025.

Audury Petie Davis

I, Maryann Butler, declare under penalty of perjury that the facts stated in this Notice are true and correct to the best of my knowledge, information, and belief.

Executed on August 11, 2025.

Maryann Butler

## **CERTIFICATE OF SERVICE (VERIFIED)**

I certify under penalty of perjury that on August 11, 2025, I filed the foregoing Emergency Notice and Request for Immediate Telephonic Conference and Limited Modification of Stay via the Court's CM/ECF system, which will serve all registered counsel of record. I will also transmit a courtesy copy by email to defense counsel today.

Executed on August 11, 2025.

Audury Petie Davis

